

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ASHOUR KASTIRO, ODAY
ALSOLTANI, SAID NATSHEH,
ALHARETH ALI ALOUDI, and
REYADH ALMEHAMEDAWY,

Plaintiffs,

v.

SERRA MEDICAL TRANSPORTATION,
INC.; SERRA YELLOW CAB; TALIB
SALAMIN; and DOES 1-20,

Defendants.

No. 2:14-cv-02784-GEB-EFB

**ORDER GRANTING PLAINTIFFS'
MOTION TO TRANSFER VENUE TO THE
NORTHERN DISTRICT OF CALIFORNIA***

Plaintiffs move for an order "transfer[ring] th[is] action to the United States District Court for the Northern District of California[,]" asserting the Complaint was improperly filed in the Eastern District "due to an administrative error." (Mot. 2:2-12, ECF No. 5.) Plaintiffs allege in the Complaint: "[v]enue is proper in the Northern District of California pursuant to 28 U.S.C. § 1331(b). Most, if not all Members of Plaintiffs' putative class and proposed collective action reside in California and this District." (Compl., ¶ 7.) Plaintiffs argue transfer is in the interest of justice because it avoids additional filing fees and potential statute of limitations

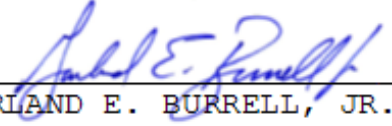
* The hearing on January 20, 2015 is vacated pursuant to E.D. Cal. R. 230(g) since this matter is suitable for decision without oral argument.

1 issues, and would not prejudice Defendants since they have not
2 yet been served. (Mot. 2:5-9; 2:26-27; 3:1-2; Sutton Decl. ISO
3 Transfer of Venue, ¶¶ 2-3, ECF No. 5-2.)

4 "The district court of a district in which is filed a
5 case laying venue in the wrong division or district shall
6 dismiss, or if it be in the interests of justice, transfer such
7 case to any district or division in which it could have been
8 brought." 28 U.S.C. § 1406(a). "Ordinarily, the interest of
9 justice requires transferring the case to the proper venue rather
10 than dismissing the case." Leroy-Garcia v. Brave Arts Licensing,
11 No. C-13-01181 LB, 2013 WL 4013869, *4 (N.D. Cal. Aug. 5, 2014).
12 A court may consider the "age of [an] action," and "delay and
13 expense involved in re-filing" in a new district when considering
14 transfer of venue. Johnson v. Law, 19 F. Supp. 3d 1004, 1010
15 (S.D. Cal. 2014.)

16 The interests of justice favor transferring this case
17 to the Northern District of California. Therefore, the Clerk of
18 Court shall transfer this case and the action shall be closed.

19 Dated: January 8, 2015

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23 GARIAND E. BURRELL, JR.
24 Senior United States District Judge
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